

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Samuel Ross	Team: Squad #9	CCRB Case #: 202102475	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/21/2021 5:50 AM	Location of Incident: § 87(2)(b)	Precinct: 103	18 Mo. SOL 10/21/2022	EO SOL 10/21/2022	
Date/Time CV Reported Wed, 04/21/2021 9:16 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 04/21/2021 9:16 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT1 Richard Thompson	05977	902473	WARRSEC
2. SDS Christophe Castle	03409	928041	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Timothy Cinque	05716	933901	WARRSEC
2. DT3 David Mischo	00517	937115	WARRSEC
3. DT2 Michael Langellotti	00119	901811	WARRSEC
4. DT3 Michael Perez	02470	930939	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.SDS Christophe Castle	Abuse: Sergeant Christopher Castle entered § 87(2)(b) in Queens.	§ 87(2)(b)
B.SDS Christophe Castle	Abuse: Sergeant Christopher Castle searched § 87(2)(b) in Queens.	§ 87(2)(b)
C.SDS Christophe Castle	Abuse: Sergeant Christopher Castle failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
D.DT1 Richard Thompson	Abuse: Detective Richard Thompson failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

## Case Summary

§ 87(2)(b) filed this complaint via the CCRB's Call Processing System on April 21, 2021.

On April 21, 2021, at approximately 5:50 AM, Sgt. Christopher Castle and Det. Richard Thompson of the Warrant Squad's Regional Fugitive Task Force, along with other members of the Regional Fugitive Task Force, visited § 87(2)(b) home, apartment #§ 87(2)(b) at § 87(2)(b) in Queens. Also present were personnel from the New York State Department of Corrections and Community Supervision, the New York State Department of Parole, New York State Troopers, and the U.S. Marshals. This group was present in order to execute an arrest warrant for § 87(2)(b) son, § 87(2)(b) who was wanted in connection with a homicide.

Sgt. Castle and Det. Thompson entered § 87(2)(b) apartment with officers from outside agencies (**Allegation A: Abuse of Authority**, § 87(2)(g)). During the officers' search for § 87(2)(b) an officer allegedly opened a dresser drawer in § 87(2)(b) bedroom and officers allegedly searched within large black garbage bags § 87(2)(b) used for clothing storage (**Allegation B: Abuse of Authority**, § 87(2)(g)). Additionally, Sgt. Castle and Det. Thompson failed to provide § 87(2)(b) with Right-to-Know-Act-compliant business cards (**Allegations C and D: Abuse of Authority**, § 87(2)(g)). The officers then departed without making any apprehension or arrest.

The NYPD officers in question, assigned to the Warrants Squad, were not equipped with BWCs. There is no video evidence associated with this case.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Sergeant Christopher Castle entered § 87(2)(b) in Queens.**

It is undisputed that Sgt. Castle and Det. Thompson entered § 87(2)(b) apartment.

§ 87(2)(b) stated that at the doorway, she asked Det. Thompson why the officers were there, but that Det. Thompson said only that the officers wanted to know who was in the apartment and wished to come inside. § 87(2)(b) replied that they did not have her permission. Det. Thompson took the elevator downstairs and then returned to § 87(2)(b) apartment door holding a document. However, § 87(2)(b) was not able to see the document at that time.

Additionally, note that according to § 87(2)(b) § 87(2)(b) did not reside with her.

Det. Thompson, the lead investigator tasked with locating § 87(2)(b) stated § 87(2)(b) was wanted for a violent felony involving a shooting death. Prior to any operation at § 87(2)(b) address, he conducted NYPD database checks for § 87(2)(b) which showed that § 87(2)(b) in Queens was his last known, and current, address. DMV records also confirmed this. On April 13, 2021, an arrest warrant was issued for § 87(2)(b) The arrest warrant bore the address § 87(2)(b) in Queens.

The CCRB investigation obtained a copy of the arrest warrant in question and confirmed that it bears address § 87(2)(b) in Queens (Board Review 01). Although § 87(2)(b) resides in a multi-unit apartment building, no apartment number is listed on the warrant. Per Det. Thompson, the officers believed § 87(2)(b) to reside in apartment #§ 87(2)(b). Det. Thompson did not

know why the apartment number was not listed on the warrant. He stated that an officer from the Gun Violence Suppression Division had obtained the warrant.

Det. Thompson gave a different account of his interaction with § 87(2)(b) at her apartment door. Per his testimony, he explained to her that the officers had an arrest warrant for her son, § 87(2)(b), and that they needed to check the apartment for him. § 87(2)(b) agreed to allow the officers inside if she saw their warrant. Det. Thompson believed that because the officers had an arrest warrant bearing that address, they did not need § 87(2)(b) consent in order to enter the apartment and could legally have forced entry. However, Det. Thompson did not wish to do so. He exited the building, retrieved a copy of the arrest warrant from his vehicle, and returned to the doorway of apartment #§ 87(2)(b). He handed the document to § 87(2)(b) and she held and appeared to read it before he and Sgt. Castle entered her apartment.

DMV records obtained by the CCRB confirm that as of July 14, 2021, § 87(2)(b) listed address was § 87(2)(b) in Queens (Board Review 02). NYPD BADS records also reveal that the two most recent arrest reports associated with § 87(2)(b) from January of 2020 and April of 2018, also list the same home address and apartment number (Board Review 03 and 04).

According to NYS CPL 120.80, an officer armed with an arrest warrant and attempting to effect an arrest may enter the defendant's residence if he or she reasonably believes the defendant to be present. Further, the officer must give notice his or her authority and purpose to an occupant thereof. If after giving such notice an officer is not admitted, he or she may enter such premises (Board Review 05). Additionally, per the ruling in *United States v. Bervaldi*, 226 F.3d 1256 (2000), officers may presume that a person is at home at certain times of the day (Board Review 06). In that case, it was reasonable to believe, in the absence of contrary evidence, that an individual would be at his residence at 6:00 AM.

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

**Allegation (B) Abuse of Authority: Sergeant Christopher Castle searched § 87(2)(b) in Queens.**

According to § 87(2)(b) the officers entered her apartment and, during their search, looked in every room, opened her closets, and looked under the couch. § 87(2)(b) remained in the living room while officers searched for § 87(2)(b) and she could not see into her bedroom. However, after the officers' search, she discovered that, in her bedroom, an officer had opened a dresser drawer and that an officer or officers had emptied out large black plastic garbage

bags in which § 87(2)(b) had been storing clothing.

Sgt. Castle stated that he searched the bedroom with Inv. Denny Canario and Inv. Thomas Kam of New York State Department of Corrections and Community Supervision (DOCCS). He did not believe that any other NYPD officer searched the bedroom at any time. Sgt. Castle and the DOCCS investigators searched anywhere a person would be able to hide: under the bed, in closets, and under clothing on the bed. They did not look inside any dresser drawer or garbage bag.

Det. Thompson stated that he remained in the kitchen with § 87(2)(b) and did not search the apartment. He never saw into the bedroom and did not see specifically where any NYPD officers searched.

As noted, the Warrants officers in question were not assigned BWCs and there is no other video evidence associated with this case.

Note that per the arrest warrant, § 87(2)(b) is 6'1" tall and weighs approximately 185 pounds (Board Review 01).

The ruling in *Maryland v. Buie*, 494 U.S. 325 (1990) states that until the point of a defendant's arrest, police have the right, based on the authority of an arrest warrant, to search anywhere in a home that the defendant might be found (Board Review 07).

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

**Allegation (C) Abuse of Authority: Sergeant Christopher Castle failed to provide § 87(2)(b) with a business card.**  
**Allegation (D) Abuse of Authority: Detective Richard Thompson failed to provide § 87(2)(b) with a business card.**

§ 87(2)(b) stated that before the officers departed, Det. Thompson wrote his name and cell phone number on a piece of paper from a spiral notepad and gave the paper to § 87(2)(b). He did not provide her with a business card. She also did not describe any other officer providing her with a business card.

According to Det. Thompson, he presented § 87(2)(b) with a business card bearing his name, rank, and contact information. This was not the sort of business card required by the "Right to Know Act," as it did not bear any information or instruction for filing a civilian complaint. Det. Thompson was carrying Right to Know Act business cards with him, but he did not provide one of

those cards to § 87(2)(b) because he was in the habit of providing his standard, personal business card. He believed that he was required to provide a Right to Know Act card during an investigative stop on the street, and this was not that sort of interaction. He believed that he also provided her with a handwritten note, bearing his name and phone number.

Sgt. Castle stated that he did not provide § 87(2)(b) with his business card. He believed that he was not required to do so. He would have provided his business card if he had been in charge of the investigation – the case was Det. Thompson’s – or if he had had any direct conversation with § 87(2)(b). He never spoke directly with her. He did not believe that every member of the team was required to provide a business card. Additionally, if she had asked for his business card, he would have provided it to her.

NYPD Patrol Guide Procedure 203-09 instructs that after the search a property, officers must offer pre-printed “Right to Know Business Cards,” except in cases when a summons is issued or an arrest is made, or where exigent circumstances are present (Board Review 08). According to New York City Administrative Code 14-174 (the Right to Know Act), any business card used by an officer to identify themselves to a person who is the subject of law enforcement activity shall be pre-printed and include, a phone number for the 311 customer service center and an indication that such phone number may be used to submit comments about the encounter between such officer and such person (Board Review 09).

§ 87(2)(g)

[REDACTED]

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 10).
- Sgt. Castle has been a member of the NYPD for 20 years and has been a subject in nine other CCRB complaints with 26 allegations, none of which were substantiated. § 87(2)(g)
- Det. Thompson, who has been a member of the NYPD for 29 years, has been a subject in fifteen other CCRB complaints with 25 allegations, of which one was substantiated.
  - Case #200711810 involved a substantiated entry/search allegation against Det. Thompson. The Board recommended charges and the NYPD imposed no discipline.

### **Mediation, Civil, and Criminal Histories**

- § 87(2)(g)
- As of July 21, 2021, the New York City Office of the Comptroller had no record of any

Notice of Claim having been filed in regards this to this incident (Board Review 11).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad:      9

Investigator:      Samuel Ross      Inv. Samuel Ross      10/15/2021  
   Signature      Print Title & Name      Date

Squad Leader:      Monique West      IM Monique West      10/20/2021  
   Signature      Print Title & Name      Date

Reviewer:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
   Signature      Print Title & Name      Date